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09/981,459

10/16/2001

Michael H. D'Amico

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07/14/2006

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EXAMINER

MCCULLOCH JR, WILLIAM H

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/981,459

Applicant(s)

D'AMICO ET AL.

Examiner

William H. McCulloch Jr.

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10,21-26 and 34-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10,21-26 and 34-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. This action is in response to amendments received 4/4/2005 following a Request for Continued Examination (RCE). The application has claims 1-10, 21-26, and 34-39 pending, with claims 1, 21, and 34 currently amended.
2. As a preliminary matter, the examiner wishes to clarify that claims 11-20 were cancelled in a previous amendment filed 1/8/2004 (see Remarks, p. 10). Applicant's remarks received 4/4/2005 make reference to "claims 1-20" remaining rejected under 35 U.S.C. 112 (see Remarks, p. 10). For the purposes of this examination, it will be assumed that claims 11-20 are cancelled and any references to them in a pending status on the part of the applicant are unintentional.

Claim Objections

3. Claim 34 is objected to because of the following informalities: claim 34, lines 15-17 recite "obtaining from the first database first input data...wherein the first input data comprising a portion of the input data for use in the first group of games" (emphasis added). The underlined "comprising" should probably read "comprises". A similar situation arises on lines 21-23. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-10 and 34-39 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The cited portions of applicant's specification (see 4/4/2005 Remarks) demonstrate that the gaming machines may require transmission of data, for instance "input data" or data from the local database 46. However, these portions merely show that the gaming machines may require data. (Note that claim 21 simply recites a step of "requiring transmission of at least a portion of the input data", which appears to be adequately supported by the cited portions of applicant's specification.) The cited portions of the specification and the claims fail to define which data or which portion of data the gaming machines specifically require. In claim 1, the recited "at least a portion of the input data required by the gaming machines" fails to clearly define what data applicant means by "data required by the gaming machine". Similarly, claim 34 fails to clearly define what data applicant means by "first input data required by the first group of games" and "second input data required by the second group of games".

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-7 and 10 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Acres '483.

This rejection is maintained from the previous office action.

Note Acres bank controller is interpreted as the second database and the accounting system to be the first database. The first network is 22; the second network connects the bank controller through the hub to the concentrator/translator and then on to the server systems. Regarding the meter data recited in claims 4-7 and 10, these features limitations are well known and inherent to Acres game machines. The reference is deemed to meet the claims as broadly claimed.

8. Claims 1-10, 21-26, and 34-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Rowe '907.

This rejection is maintained from the prior office action.

Rowe discloses a cashless transaction clearinghouse network system for allowing cashless instruments to be used across multiple gaming properties. The system provides for an apparatus/method for providing data storage and communications, as well as an apparatus/method for generation of audit reports required by gaming regulation. Rowe's system includes a network and a first network and a data processing unit comprising a second database arranged to poll and store with CVT units – see 8:20-24 at least. Rowe's machines generate meter data such as

credit balances, ticket information and validation codes and the like – see the description of the prior art in cols 1 and 2 – inherently Rowe uses known games machines in his network. Rowe also discusses the capability for report generation at 9:55 – 10:10; clearly the data is available, stored and in the proper format for this function to occur. Note also that erasure of data in temporary data storage is also a well known and inherent feature of data transmission. Rowe teaches processor to manage data storage with processor 50 as well as with the clearinghouse server 136. Finally, regarding the grouping and polling of data, note CVT's are polled at 9:12 in addition to the known fact that polling of terminals for data in a network is hornbook data management. The reference is deemed to meet the claims as broadly claimed.

Response to Arguments

9. Applicant's arguments, see Remarks p. 10-11 and amended claim language filed 4/4/2005, with respect to claims 21-26 have been fully considered and are persuasive. The rejection of claims 21-26 under 35 U.S.C. 112 has been withdrawn.

10. Applicant's arguments filed 4/4/2005 have been fully considered but they are not persuasive.

The rejection of claims 1-10 and 34-39 under 35 U.S.C. 112 ¶ 1 is maintained and explained above.

Applicant's amended claim 1 recites a "programmed hardware", which appears to be synonymous with a central processing unit (CPU), as asserted by Applicant on Remarks, p. 12. The examiner will interpret "programmed hardware" strictly as a CPU.

Applicant contends that neither the cited portions of Acres nor Rowe teach a programmed hardware to allow the data processing unit to perform the functions recited in the claims. However, it is clear that a CPU is inherent in the computer devices described by both Acres and Rowe. Acres specifically describes such a processor in 3:64-4:2. Applicant further argues that the bank controller of Acres does not store data in a database. However, the data sent through the bank controller is inherently stored there in some capacity, as any data sent through a computer is necessarily stored therein.

Applicant further contends that Acres does not teach a flow of data from the bank controller to the gaming machine. Applicant is respectfully directed to Acres 5:50-6:39. Similarly, applicant contends that no data flows from the CVTs to the gaming machines. Data flow from the CVT to the gaming machines is inherent in Rowe, for example in order to validate the player tracking devices (e.g. magnetic cards, key codes) taught in 5:44-60.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. McCulloch Jr. whose telephone number is (571) 272-2818. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone

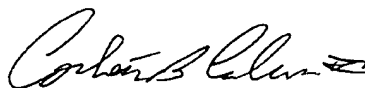
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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William H. McCulloch Jr.
Examiner
Art Unit 3714
7/7/2006

wm

CORBETT B. COBURN
PRIMARY EXAMINER